

Tuesday, October 19, 2021  
***Hanson Board of Selectmen***  
Selectmen's meeting room, Town Hall  
Open Session

Members Present: James Hickey, Kenny Mitchell, Matthew Dyer, Laura FitzGerald-Kemmett, Joseph Weeks  
Members Absent:  
Others Present: Lisa Green, Esq, Town Administrator; Lisa Federoff, Town Council

**I CALL TO ORDER**

Chairman Dyer called the meeting to order and led the Pledge of Allegiance.

**II Public Announcements And Upcoming Meetings**

Mr. Weeks read the public announcements and upcoming meetings.

**III Voting boundaries for 2020 Town Precincts**

Town Clerk presented a map where she briefly described boundary lines for precincts 1, 2 and 3. The effective date will be January 2022. Town Clerk also discussed issues with legislature using the 2010 map for basis of voting. There have been talks with Josh Cutler regarding waiting for Town of Hanson to finish maps before voting.

**Concerns For Precinct One**

Mr. Hickey for residents that live in Precinct One. He mentioned that Hanson is a smaller town and representation may be overlooked. Ms. Kemmett suggested that the Board meet with the new Representative. The objective is to make sure that the Precinct gets adequate representation, regardless of split.

***MOTION*** by Mr. Mitchell, seconded by Ms. FitzGerald-Kemmett, to accept, as presented by Town Clerk, the 2020 re-precinct plan for the Town of Hanson. ***Voted 5 – 0***

**Discussion Regarding Removal Of Zoning Board Association (ZBA) Members**

Ms. Federoff, explained that per Article 268A, appointees are considered employees and are entitled to due process. Under the Town's bylaws, you will have to find "just cause" in order to remove employees. Additionally, employees are also entitled to a notice and a hearing. The notice would make the employee aware of the reasons and justifications for removal. The employee may then prepare an adequate defense. The other aspect of the article that makes things more controversial, as Town Council mentions, is the current application pending for a 40B project. Ms. Federoff further explained the litigative risk involved in any decision the Board makes. The litigative risk when there is an application before any permitting authority is whether there is evidence of a civil rights violation. In the Land's Use context, this would be a very high bar to establish. There are routine court decisions that stand for the proposition that you have appellate rights if you have an application pending before any particular body. This makes it very difficult to violate someone's civil rights in that context. Ms. Federoff pointed out that the Town of Hopkinton was recently hit with a 1.5 million dollar jury judgement for a "similar" case. Another aspect with respect to removal of all ZBA members is that the public hearing process would commence from scratch. A full presentation would have to be made again. All of that would have

to be done before the 180 days expires. The Town would run the risk of having a project approved with no conditions by the state instead of the local body. After explaining the legal backdrop, Town Council explained that her role in this case is to advise the board and not to make a decision for the Board. There MUST be a justifiable reason for taking an action. It is important to have a full and fair investigation of any employment matter before having a hearing.

Ms. Kemmett expressed embarrassment that it took a Town Meeting warrant to get the board to discuss this issue in open session. She expressed that the Town doesn't have any other choice, but to investigate each member of the ZBA. She pointed out that Mr. Cohen was able to get enough signatures to get this issue on the agenda. Mr. Hickey expressed that he has enough evidence to remove one ZBA member. Mr. Mitchell said that we should investigate the member that we have evidence to remove. Both Ms. Kemmett and Mr. Weeks believes that the Board has the responsibility to investigate all members. After further discussions, the Board agreed that it is best to investigate all members of the ZBA committee.

Chairman Dyer asked Ms. Green to work with Town Council to look at price proposals to investigate each member of the ZBA by November 2, 2021. The Town will engage separate independent investigators with no ties to the Town of Hanson. Mr. Hickey will also work with Ms. Green and Town Council to present his evidence against one ZBA member.

**MOTION** by Ms. Kemmett, seconded by Mr. Weeks, to move forward with a third-party investigation to go over facts of the case for all ZBA members/alternates and present their findings to the Board of Selectmen. ***Voted 5-0.***

#### IV

##### **NEW BUSINESS**

###### ***Update On Council On Aging (Senior Center)***

Mary Collins, Director of Elder Affairs, updated the Board regarding the programs that have reappeared in the Center. Many activities have succumbed to COVID, but recently Mary said that programs will come back with more seniors coming to the center in person. Starting on Mondays, Cores has returned at 10:00am. Knitting has also returned in the afternoons. Chair Yoga has returned on Tuesdays and Thursdays afternoon. Thursdays there will be a women's group as well as a line dancer's group in the afternoon. There will also be a Men's group on Wednesday and Friday mornings, which is growing. Unfortunately, as a result of Covid, the supportive day program for the frailer population (ie, dementia, Alzheimer's or physical limitations) had to end. It wasn't financially possible to continue with the program. The need for this program, however, is still there. Ms. Collins, along with Leah Guercio, Activities Director, developed a program twice a week (Tuesdays/Wednesdays from 10am to 2pm). Lunch will be provided through Old Colony Elder Services. It's a free program that involves different activities and socialization. This program will hopefully give these seniors a place where they can stimulate their minds, give them a sense a purpose and socialize with others. Please call either Mary or Leah at the center with any questions. Mary also encouraged everyone to spread the word so more seniors can attend all the programs mentioned.

Ms. Collins also thanked Jean Sibley, Food Services Manager at from Old Colony Elderly Services, for all of her hard work. Jean never missed a day of work since Covid started. [Ralph Grenlin], [Dana Franciosi] and [Tom McSweeney] (the Drivers) worked diligently to make sure every senior received their meals and were thanked for their hard work.

Both Ms. Kemmett and Chairman Dyer expressed how fortunate the Town of Hanson is to have Ms. Collins working for the Council on Aging. Ms. Collins' compassion, hard work and dedication to working with the elderly is a blessing. Ms. Collins was thanked for being an outstanding employee.

#### **Auto Sales License Renewal**

Ms. Green explained that Mr. McQuarrie has been doing business with the Town for many years. He is applying for a Class II Auto Dealer's license. He was first issued the license in 2014. Ms. Green is unaware of why there's a gap, but Mr. McQuarrie is reapplying for the license. He is current on all financial responsibilities with the Town. Ms. Green would like a vote to approve Mr. McQuarrie's renewal application. Ms. Kemmett asked if there were any violations and/or complaints against Mr. McQuarrie. Ms. Green expressed that she has no knowledge of complaints or violations. She did confirm with Treasurer Collector that he is current with all financial obligations with the Town.

**MOTION** by Ms. Kemmett, seconded by Mr. Mitchell, to approve Mr. McQuarrie's Class II Auto Dealer's Application. **Voted 5-0.**

#### **RESIGNATIONS**

**MOTION** by Mr. Mitchell, seconded by Ms. Kemmett, to recognize James Egan's resignation from Capital Improvement Committee. **Voted 5-0.**

**MOTION** by Ms. Kemmett (with regret), seconded by Mr. Mitchell, to recognize Paul Clark's resignation from the Hanson Parks and Fields Commission. **Voted 5-0.**

#### **Investigation By Digiovanni At The Old Plymouth Hospital Property**

Ms. Green made the board aware that Mr. DiGiovanni, Owner of As Darkness Falls Paranormal, wants to investigate paranormal activities at the old Plymouth Hospital. The itinerary that Mr. DiGiovanni presented was forwarded to the police chief. The police chief has no issue with this investigation, provided there is no damage to property. Ms. Kemmett expressed concerns regarding the privacy of the Food Pantry participants. Ms. Kemmett expressed that cameras should not be allowed in the Food Pantry area to preserve privacy.

**MOTION** by Mr. Hickey, seconded by Mr. Mitchell, to allow Mr. DiGiovanni to conduct an investigation for paranormal activities at the old Plymouth Hospital with the caveat that he avoids filming on Tuesdays and Friday nights (Food Pantry hours). Ms. Green will explain to Mr. DiGiovanni the hours he is not allowed to conduct investigations. **Voted 5-0.**

#### **Discussions Regarding The Lite Control Property**

Ms. Green explained that the Lite Control Company that was donated to the Town in 2019 is currently vacant but poses a danger to the Town. People are breaking into the property and having bonfires inside the property. Dry vegetation surrounds the property which makes it a big fire risk. Ms. Green further explains that there is interest in either buying or leasing of these properties. In order to make that a possibility, there would have to be a competitive procurement process. Selling and/or leasing the properties would help bring revenue to the Town. Any disposition of this property will have to go through Town Meeting in May 2022. Ms. Green also mentioned the property has a very restrictive deed, which would make it undesirable for developers. Ms. Green asked the board for their thoughts and opinions.

Chairman Dyer mentioned that these properties were originally discussed as future housing for the Highway Department. Ms. Green said that Mr. Shave, Highway Director, is aware that there is interest in the properties. Mr. Mitchell explained that there was a feasibility study being done on the properties that is about 70% complete. Before any decisions can be made, The Highway Building Committee would need to meet first. Ms. Kemmett mentioned that there has been a considerable amount of time and money invested in the feasibility study. Mr. Mitchell will look into setting up a meeting with the Highway Building Committee to discuss whether or not the old Light Control Properties can be the future housing for the Highway Department. They also agreed that Ms. Green should continue with the lengthy procurement process.

**MOTION** by Ms Kemmett, seconded by Joe Weeks, to have Ms. Green move along with the procurement process, research legally with Town Council on deed restrictions, and Mr. Mitchell will look into reforming the Highway Building Committee to discuss the feasibility project in detail. **Voted 5-0.**

## V.

### **OLD BUSINESS**

**MOTION** by Mr. Weeks, seconded by Mr. Hickey, to allow the Recreation Committee to use the Maquan Parking Lot for bus transportation to Camp Kiwanee for Camp Kiwanee's Halloween Event on October 30<sup>th</sup> (Rain Date: October 31<sup>st</sup>). **Voted 5-0.**

**MOTION** by Mr. Weeks, seconded by Ms. Kemmett, to approve Deputy Police Chief's Employment Contract as presented. **Voted 5-0.**

**MOTION** by Mr. Weeks, seconded by Ms. Kemmett, to approve one day liquor licenses. **Voted 5-0**

## VI

### **TOWN ADMINISTRATOR'S REPORT**

Ms. Green updated the Board on recent events, as follows:

1. Ms. Green updated the Board on the Great Pumpkin Classic Car Show on Sunday, October 10<sup>th</sup>. Over 200 show cars participated in the event. It was a successful event with lots of participants and great attendance. \$5,200 was raised in proceeds. A bigger venue is likely for the next car show.
2. Ms. Green applied for two community compact grants. The Town was awarded a total of \$25,000 for both grants (\$12,500 for each). The first grant is for a compensation and classification study which will provide wage and classification for the surrounding areas. The second grant is for the development of an economic manual which will be created for businesses in Hanson. It will provide permitting, zoning and business information.
3. Ms. Green worked with all the Town's departments to gather the documents needed for the worker's compensation insurance audit. The documents were all submitted by the October 14<sup>th</sup> deadline.
4. Ms. Green explained that since the Executive Assistant's departure, she is now responsible for payroll, accounts payable, HR recruiting, turn-overs and many other responsibilities that she is doing on her own. Ms. Kemmett expressed concern over the extensive workload that Ms. Green now has. Temp help was offered as a suggestion. While help is needed, Ms. Green is hopeful that the five existing open positions will be filled soon. Once those positions are filled, there will be some relief. The Board thanked

Ms. Green for all of her hard work with the car show, the grants and the massive undertaking of many responsibilities. Ms. Green was encouraged to ask for assistance from the Board in the event her workload becomes overbearing.

**VII**

**ADJOURNMENT TO ATTEND WAGE AND PERSONNEL TO BE FOLLOWED BY  
EXECUTIVE SESSION**

***MOTION*** by Ms. Kemmett, seconded by Mr. Hickey, to adjourn the Selectmen meeting to attend Wage and Personnel. ***Voted 5 - 0***

Respectfully submitted,

Lucia Silveira  
Executive Assistant